

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 98-063

WASTE DISCHARGE REQUIREMENT FOR
EAST BAY REGIONAL PARK DISTRICT,
REGIONAL MAINTENANCE ACTIVITIES,
ALAMEDA AND CONTRA COSTA COUNTIES

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter Board, finds that:

1. The East Bay Regional Park District (hereinafter Discharger) proposes to conduct maintenance activities in at least 22 regional parks including culvert replacement, maintenance of existing structures, road crossings, bank stabilization, maintenance dredging and minor discharges of fill material. On March 9, 1998, the Discharger applied to the Regional Board for Water Quality Certification under Section 401 of the Clean Water Act. On April 9, 1998 the U. S. Army Corps of Engineers (hereinafter Corps) issued a Public Notice for the five year regional maintenance activities. The purpose of the maintenance activities is to provide safe access by the public and emergency vehicles, and to restore and maintain district natural resources. Obtaining timely regulatory agency approval for identified maintenance needs is critical especially in heavy rainfall years.
2. The issuance of Waste Discharge Requirements (WDRs) serves to protect water quality at and in the vicinity of the various activities, to alleviate local flood damage problems, to address public safety concerns, and to protect fish and wildlife.
3. The Regional Board, on June 21, 1995, adopted, in accordance with Section 13244 et. seq. of the California Water Code, a revised Water Quality Control Plan, San Francisco Bay Basin (Basin Plan). This updated and consolidated revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and ground waters. This order is in compliance with the Basin Plan.
4. The need for specific projects covered by this order is normally the result of stormwater related damage, channel downcutting and sedimentation problems resulting from seasonal storms. Generally, some 30-50 maintenance projects covered by this order are completed annually.
5. The California Department of Fish and Game (CDF&G) has been contacted by the EBRPD concerning the proposed maintenance activities. A Memorandum of Understanding (MOU) has been created between CDF&G and the EBRPD regarding streambed alteration notification and routine maintenance activities subject to State Fish and Game Code Section 1601.

6. The EBRPD has contacted the U. S. Fish and Wildlife Service to develop a Habitat Conservation Plan (HCP) to minimize the negative impacts of project activities on endangered species and their habitats. The Corps has initiated internal consultation with the U. S. Fish and Wildlife Service (F&WS) and the National Marine Fisheries Service (NMFS) as required by Section 7 of the Endangered Species Act.
7. Wetlands associated with creeks, streambeds, basins and stock ponds will be temporarily impacted in some cases and may require appropriate mitigation. Every effort will be made to first avoid and then to minimize wetland disturbance. Protocols for conditions requiring mitigation are being addressed through agency consultations within the Corps permit process.
8. The goals of the California Wetlands Conservation Policy (Governor's Executive Order W-59-93, signed August 23, 1993) include ensuring "no overall loss", and achieving a "long-term net gain in the quantity, quality, and permanence of wetlands acreage and values..."
9. Senate Concurrent Resolution No. 28 states that, "It is the intent of the legislature to preserve, protect, restore, and enhance California's wetlands and multiple resources which depend on them for the benefit of the people of the State".
10. Section 13142.5 of the California Water Code requires that the "Highest priority shall be given to improving or eliminating discharges that adversely affect... Wetlands, estuaries, and other biologically sensitive areas."
11. The Discharger has stated in their written communication of March 9, 1998 that the proposed maintenance activities are provided in the U. S. Army Corps Permit Application are categorically exempt pursuant to the State's CEQA Guidelines Section 15301 and Section 15304.
12. The action to adopt waste discharge requirements for this facility is exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with Section 15301 and Section 15304, Title 14, California Administrative Code.
13. Pursuant to Title 23, California Code of Regulations 3857, this action is equivalent to waiver of water quality certification.
14. The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge.
15. The Regional Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED that the East Bay Regional Park District, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. The direct discharge of wastes to surface water drainage course is prohibited.
2. Dredged material shall remain within the designated upland disposal area at all times.
3. Any maintenance or dredge and disposal activity subject to these requirements shall not cause a nuisance defined in Section 13050(m) of the California Water Code.

4. The discharge of silt, sand, clay or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters or to unreasonably affects or threaten to affect beneficial uses is prohibited.
5. Oil or residuary product of petroleum to the waters of the State, except in accordance with Waste Discharge Requirements or other provisions of Division 7, California Water Code.

B. Receiving Water Limitations

The maintenance activities shall not cause:

1. Floating, suspended or deposited macroscopic particulate matter or foam in waters of the State at any place more than 100 feet from the maintenance activity.
2. Alteration of apparent color beyond present natural background levels in waters of the State at any place more than 100 feet from the maintenance activity.
3. Waters of the State to exceed the following quality limits at any point:
 - a. Dissolved oxygen: 5.0 mg/l minimum. When natural factors cause lesser concentrations, then this discharge shall not cause further reduction in the concentration of dissolved oxygen.
 - b. pH: A variation of natural pH by more than 0.5 pH units.
 - c. Toxic or other deleterious substances: None shall be present in concentrations or quantities which may cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
4. Turbidity of waters of the State, as measured in NTUs, at any point beyond 100 feet downstream of the maintenance activity shall not increased above background levels by more than the following:
 - a. Receiving waters background: ≥ 50 units
 - b. Incremental increase: 10% of background, maximum

C. Provisions

1. The Discharger shall comply with all the Prohibitions, Receiving Water Limitations, and Provisions of this Order immediately upon adoption of this Order or as provided below.
2. The Discharger shall be restricted to maintenance activities related to the following Nationwide Permits (NWP) for the purpose of this Order:
 - a. NWP 3, Maintenance
 - b. NWP 13, Bank Stabilization
 - c. NWP 14, Road Crossing
 - d. NWP 18, Minor Discharges
 - e. NWP 19, Minor Dredging
 - f. NWP 26, Headwaters and Isolated Waters Discharges
 - g. NWP 31, Maintenance of Existing Flood Control Projects

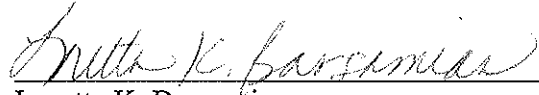
h. NWP 35, Maintenance Dredging of Existing Basins

The description of the type of work considered for each NWP listed above is provided in the January 21, 1997 U. S. Army Corps of Engineer document entitled: Final Notice of Issuance, Re-issuance, and Modification of Nationwide Permits.

3. The Discharger shall comply with all applicable items of the Self-Monitoring Program (SMP).
4. The Discharger shall adhere to the conditions of the MOU between the EBPRD and CDF&G regarding streambed alteration notification and routine maintenance activities in District watersheds.
5. The Discharger has initiated efforts to prepare a Districtwide Habitat Conservation Plan to comply with the Federal Endangered Species Act, Section 7 and Section 10 consultation. In the interim, U. S. Fish and Wildlife Service will provide a biological opinion including any mitigation requirements to cover the scope of the Regional Maintenance Activity Permit.
6. The Discharger shall file with the Regional Board annual reports performed according to the SMP approved by this Order or issued by the Executive Officer. Wetland mitigation needs will be identified where appropriate in these reports.
7. No equipment shall be operated in stream channels where there is flowing or standing water.
8. Where absolutely necessary, gabion construction is preferred to riprap as plantings of willows/alders or other riparian vegetation are accommodated by the former.
9. Replacement planting shall be done following construction and prior to the rainy season. Wetland mitigation required as a result of fill projects will be determined by the Regional Board staff in consultation with the Discharger and resource agencies.
10. Temporary road crossings primarily for emergency use such as for the passage of heavy equipment for fire suppression shall be graded carefully to preclude the discharge of rock from a bar into flowing or standing water. The rock and gravel being graded shall not be removed from the streambed. Permanent road crossings for such uses should be discouraged.
11. The Discharger shall ultimately dispose of dewatered dredged material at a permitted landfill, upland silt disposal site permitted by the Board, or otherwise at a site approved in advance by the Executive Officer.
12. The Discharger is considered to have full responsibility for correcting any and all problems which arise in the event of a failure which results in an unauthorized release of waste or wastewater.
13. The Discharger shall permit the Board or its authorized representative, upon presentation of credentials:
 - a. Entry on to the premises on which wastes are located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Order.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
 - d. Sampling of any discharge or surface water covered by this Order.

14. These Requirements do not authorize commission of any act causing injury to the property of another or of the public; do not convey any property rights; do not remove liability under federal, state or local laws, regulations or rules of other programs and agencies nor do these Requirements authorize the discharge of wastes without appropriate permits from other agencies and authorizations.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, complete and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 15, 1998.



Loretta K. Barsamian
Executive Officer

Attachments:

A: Self-Monitoring Program (SMP)

CALIFORNIA REGIONAL WATER QUALITY CONTROL PLAN
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM
FOR

East Bay Regional Park District, Regional Maintenance Activity

I. General

A. Basis

Reporting responsibilities of the Project Proponent as “waste discharger” are specified in Sections 13225(a), 13267(b), 13268, 13383, 13387(b) of the California Water Code and this Regional Board’s Resolution No. 73-16.

B. Purpose

The principal purposes of a monitoring program by a discharger, also referred to as a Self-Monitoring Program, are to document compliance with effluent requirements and prohibitions established by this Board; facilitate self-policing by the discharger in the prevention and abatement of pollution arising from improper effluent; to develop or assist in the development of effluent or other limitations, discharge prohibitions, national standards of performance, pretreatment and toxicity standards; and to prepare water and wastewater quality inventories.

C. Sampling and Methods

All monitoring instruments and equipment, including instruments and equipment used in field sampling and analysis, shall be properly calibrated and maintained to ensure accuracy of measurements.

II. Definition of Terms

Grab Sample is defined as an individual sample collected in a short period of time not exceeding 15 minutes. Grab samples shall be collected during normal peak flows for the parameters of interest. They are to be used primarily in determining compliance with daily maximum limits and instantaneous maximum limits. Grab samples only represent the condition that exists at the time the water and effluent are collected.

Instantaneous Maximum is defined as the highest measurement obtained during a calendar day.

100 feet from the point of discharge is defined as 100 feet downstream of the dredging operation or from the center of the waste plume.

Active Site is defined as that portion of a channel or stream on which the project is being conducted and/or that may be subject to surface water flow during dredging.

Duly Authorized Representative is one whose:

- a. authorization is made in writing by a principal executive officer, or
- b. authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity (e.g; field supervisor, project manager, chief engineer).

III. Specifications for Sampling and Analyses

The Discharger is required to perform sampling and analyses as found in accordance with the following conditions and requirements:

A. Receiving Waters

1. Surface water sampling shall be conducted at the Active Site 100 feet downstream of the dredging operation or 100 feet from the center of the waste plume. Prior to dredging a background grab sample shall be collected 100 feet from the dredging site. These samples shall be analyzed for the following constituents:

| Constituents | Type of Sample | Units |
|------------------|----------------|----------------|
| Turbidity | Grab | NTUs |
| pH | Grab | Not Applicable |
| Dissolved Oxygen | Grab | mg/l |

2. Receiving water samples shall be collected at the active sites, at least two samples within every 24-hour period, evenly spaced during the work hours, with the first set of samples no earlier than 1 hour after discharge, once dredging activities have begun at the sites and have not ceased for longer than a 24-hour period. The location of each sampling site is 100 feet from the point of discharge. These samples shall be immediately analyzed on site for the following constituents:

| Constituents | Type of Sample | Units |
|------------------|----------------|----------------|
| Turbidity | Grab | NTUs |
| pH | Grab | Not Applicable |
| Dissolved Oxygen | Grab | Mg/l |

3. Samples shall be taken within one foot below the surface of the water body when possible.

4. If analytical results for constituents analyzed on-site show that any instantaneous maximum limit is exceeded, confirmation samples shall be taken within two hours and every subsequent two hours, and analyzed for all constituents for which on-site analysis is required. Sampling at this higher frequency shall continue until the exceedance has been corrected.
5. If any instantaneous maximum limit for a constituent or constituents is exceeded, then the Discharger shall follow the following process to address the exceedance:
 - a. Identify source of exceedance;
 - b. Correct source of exceedance;
 - c. Resample to determine whether exceedance has been corrected.
6. If any instantaneous maximum limit for a constituent or constituents is exceeded for a 12 hour period, then the Discharger shall immediately notify the Board by telephone and telefax of the exceedance and of how they are correcting or will correct the exceedance.
7. If any instantaneous maximum limit for a constituent or constituents is exceeded for a 24 hour period, then a violation shall have occurred and the dredging shall be terminated until the cause of the violation is found and sampling demonstrates that the exceedance has been corrected or when the Discharger has provided the Board with a corrective action plan, acceptable to the Executive Officer, that provides alternative methods of compliance.
8. For other violations, the Discharger shall notify the Board immediately whenever violations are detected and discharge shall not resume until the Discharger has provided the Board with a corrective action plan, acceptable to the Executive Officer, that provides alternative methods of compliance.

B. Standard Observations

The following observations shall be recorded on every day of operation:

1. Receiving Water:
 - a. Floating and suspended materials of waste origin (to include oil, grease, algae, and other macroscopic particulate matter): presence or absence, source and size of affected area.
 - b. Discoloration and turbidity: description of color, source and size of affected area.
 - c. Odor: presence or absence, characterization, source, distance of travel and

- wind direction.
 - d. Hydrographic condition including: time and height of corrected low and high tides; and depth of water columns and sampling depths.
 - e. Weather condition including: air temperature, wind direction and velocity and precipitation.
2. Effluent:
- a. No effluent water discharge from active dredging sites or dredged material stockpile sites to any drainage is permitted.
3. Progress and location of active dredging and control measures, noted on a map of the site.

C. Records to be Maintained

1. Written reports, strip charts, calibration and maintenance records, and other records shall be maintained by the Discharger and accessible at all time. Records shall be kept for a minimum of three years. Records shall include notes and observations for each sample as follows:
 - a. Identification of each sampling and observation station by number
 - b. Date and time of sampling
 - c. Date and time analyses are started and completed and the name of the person conducting analyses
 - d. Complete procedure used, including method of preserving or analyzing sample and identity and volumes or reagents used (if applicable). A reference to a specific section of *Standard Methods* in satisfactory.
 - e. Calculations of results.
 - f. Results of analyses and/or observations.
2. Records shall include a map or maps of the site showing the location of sediment sampling locations, discharge pipes, total volume of sediment dredged daily, etc (if applicable).

IV. Reports to be filed with the Regional Board

A. Report of Permit Violations

In the event that this permit is violated, the Discharger shall notify the Board by telephone immediately and shall notify the Board in writing within seven calendar days. A written report shall include time and date of incident, duration and estimated volume of discharge or bypass. The report shall include a detailed discussion of the reasons for the non-compliance and what steps were or will be taken to correct the failure and prevent it from occurring again.

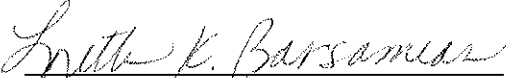
B. Self-Monitoring Reports

1. For dredging, written reports shall be filed for each calendar month that dredging occurs and filed no later than the fifteenth of the following month. The reports shall include the following:
 - a. A transmittal letter which includes identification of changes to the project design and any unplanned releases or failures that have occurred.
 - b. A monitoring report which details: the magnitude of the releases or failures; any discharge limit exceedances; dates of all exceedances; cause of the failures, releases or other violations; any corrective actions taken or planned; and the schedule for completion of corrective action.
 - c. Reports and the letter transmitting reports shall be signed by a principal executive officer(s) of the Discharger or by a duly authorized representative of that person.
2. For annual reports, the Discharger shall prepare and submit a detailed report on the proposed maintenance projects by May 1st of each year and a detailed report on completed projects by December 1st of each year. The May 1st report shall clearly describe the projects, identify associated Nationwide Permits, identify wetland fill and associated mitigation if applicable, identify any special approaches or conditions to complete the project and what will be accomplished to reduce the need for continued maintenance of the site. For 1998 only, the initial report of proposed projects shall be submitted to the Executive Officer by August 1, 1998. The November 1st report shall include projects completed, any changes from the original proposal with reasons and status of wetland mitigation projects.
3. When wetland fill is involved, the proposed mitigation shall be subject to approval by Regional Board staff. Status of all approved wetland mitigation shall be described for five years in the November 1st annual report.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing Self-Monitoring Program:

1. Has been developed in accordance with the procedures set forth in this Board's Resolution No. 73-16, in order to obtain data and document compliance with discharge requirements established in the Regional Board Order No. 98-063.
2. Was adopted by the Board on July 15, 1998.
3. May be reviewed at any time subsequent to the effective date upon written notice

from the Executive Officer or request from the Discharger, and revisions will be ordered by the Executive Officer or Board.



Loretta K. Barsamian
Executive Officer